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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,924	05/14/2007	Thomas Ludwig	10191/4897	5392
26646 7590 09/03/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER MCCALL, ERIC SCOTT				
ART UNIT 2855		PAPER NUMBER		
MAIL DATE 09/03/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/591,924

**Applicant(s)**

LUDWIG ET AL.

**Examiner**

Eric S. McCall

**Art Unit**

2855

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 24 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Eric S. McCall/  
Primary Examiner  
Art Unit 2855

Continuation of 11, does NOT place the application in condition for allowance because: the Applicant's arguments have been considered but have not been found to be persuasive.

With respect to the argument pertaining to the prior art of Murai et al. teaching the pressure sensor arranged outside of the housing, the argument has not been found to be persuasive because the housing (201) referred to in that passage is not that which the Examiner has interpreted as being the housing with respect to the Applicant's claim language. The prior art refers to the housing as being element 201. However, the Examiner is interpreting the housing as being not only element 201 but also extending up to nut (210) in Fig. 1. Thus, element 209 is part of the housing, and as such, the sensor (300) is situated in the housing as claimed. The Examiner points out that a housing need not be four enclosed sides and that a sensor can be situated in a housing without totally being enclosed.

With respect to the argument pertaining to the heating pin being affixed inside the glow plug with the aid of a fixation member, the argument has not been found to be persuasive because the washer (207) serves the purpose of centering the central shaft (204) and the central shaft is connected to the heating pin (203). Thus, the position of the central shaft determines the position of the heating pin. As such, the heating pin is affixed "with the aid of" the fixation member as claimed. The Examiner points out that due to the Applicant's wording of "with the aid of" that the claim limitation is taught by the prior art.

With respect to the argument pertaining to the sensor being between the fixation member (207) and the fixation element (209), the argument has not been found to be persuasive because the fixation element (209) extends up and on top of the sensor (300) in Fig. 1. Thus, the sensor (300) is between the fixation member (207) and the fixation element (209) as claimed. The Examiner points out that the claim does not require that the fixation element and fixation member be in direct contact with the opposite sides of the sensor.

Finally, with respect to the argument pertaining to prestressing, the argument has not been found to be persuasive because the term "prestressing" as claimed is a generic term in which the tightening of nut (211) will "prestress" the elements in contact therewith, for the Applicant's stated definition of the term has no nexus with the claimed subject matter.